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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-884

12 **MARGARET ANN McGONAGLE, aka**
13 **MARGARET A BEAULIEU, aka**
MARGARET A MOSHER, aka
14 **MARGARET A BEAULIEU MOSHER**
12843 Blanco Court
Poway, CA 92064

A C C U S A T I O N

15 **Registered Nurse License No. 635780**

16 Respondent.
17

18 Complainant alleges:
19

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about April 6, 2004, the Board of Registered Nursing issued Registered Nurse
25 License Number 635780 to Margaret Ann McGonagle, aka Margaret A Beaulieu, aka Margaret A
26 Mosher, aka, Margaret A Beaulieu Mosher (Respondent). The Registered Nurse License expired
27 on April 30, 2012, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
5 **State of Washington Department of Health)**

6 8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
7 the grounds of unprofessional conduct in that Respondent was disciplined by the State of
8 Washington Department of Health Nursing Care Quality Assurance Commission for violation of
9 Revised Code of Washington (R.C.W.) section 18.130.180(5) for unprofessional conduct
10 (suspension, revocation, or restriction of license to practice any health care profession by any
11 competent authority), in that Respondent's Arizona State Board of Nursing registered nurse
12 license was disciplined in that state for testing positive for Fentanyl in a pre-employment
13 urinalysis while denying using or having a valid prescription for Fentanyl, which in Washington,
14 that conduct would violate R.C.W. section 18.130.180(1) and 6).

15 9. On or about August 1, 2012, the State of Washington Department of Health brought
16 an Ex-parte Order of Summary Action against Respondent's Washington Nursing License
17 No. 60075520. On or about September 7, 2012, Respondent's Washington Nursing License was
18 suspended for failure to respond within 30 days to the Washington Department of Health pursuant
19 to R.C.W. section 34.05.542.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
22 **Arizona Board of Nursing)**

23 10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
24 the grounds of unprofessional conduct in that Respondent was disciplined by the Arizona Board
25 of Nursing for violating Arizona Revised Statute (A.R.S.) section 32-1633(d) as defined in A.R.S.
26 section 32-1601(18)(d) (any conduct or practice that is or might be harmful or dangerous to the
27 health of a patient or the public); (g) (willful or repeatedly violating the provisions of the A.R.S.);
28 and (j) (violating a rule that is adopted by the Board); and A.A.C. R4-19-403 (18) (obtaining,

1 possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation
2 of any federal or state criminal law, or in violation of the policy of any health care facility, school,
3 institution, or other work location at which the nurse practices). The circumstances are as
4 follows:

5 11. On April 15, 2011, the Arizona Board of Nursing received a complaint against
6 Respondent's license from Maxim Healthcare Services in Tucson, Arizona, alleging that on
7 March 31, 2011, Respondent submitted a urine drug screen that was positive for Fentanyl while
8 completing their pre-employment process. Respondent denied using or having a valid
9 prescription for Fentanyl.

10 12. On July 25, 2011, the Arizona Board of Nursing interviewed Respondent and, prior to
11 Respondent's departure from the personal interview conducted at the Board offices, Respondent
12 was asked to provide a urine sample for a drug screen at a Sonora Quest laboratory in Tucson on
13 her return trip to Tucson that day. When provided with a list of Board certified Sonora Quest
14 laboratories, Respondent indicated the two Sonora Quest laboratories that were closest to her
15 residence in Tucson. Respondent then failed to submit the requested urine screen on July 25,
16 2011.

17 13. On or about March 19, 2012, the Arizona Board of Nursing revoked Respondent's
18 Arizona Nursing License No. RN136467 pursuant to A.R.S. section 32-1664(N).

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
21 **Virginia Department of Health Professions)**

22 14. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
23 the grounds of unprofessional conduct in that Respondent was disciplined by the Virginia
24 Department of Health Professions for violating Arizona Revised Statute (A.R.S.) section 32-
25 1633(d) as defined in A.R.S. section 32-1601(18)(d) (any conduct or practice that is or might be
26 harmful or dangerous to the health of a patient or the public); (g) (willful or repeatedly violating
27 the provisions of the A.R.S.); and (j) (violating a rule that is adopted by the Board); and A.A.C.
28

1 R4-19-403 (18) (obtaining, possessing, administering, or using any narcotic, controlled substance,
2 or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any
3 health care facility, school, institution, or other work location at which the nurse practices).

4 Complainant incorporates by reference paragraphs 8 through 13 above as though fully set forth
5 herein.

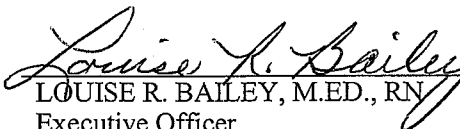
6 15. On or about May 22, 2012, the Director of the Virginia Department of Health
7 Professions suspended Respondent's license to practice nursing pursuant to Section 54.1-2409 of
8 the Virginia Code.
9

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and
12 that following the hearing, the Board of Registered Nursing issue a decision:
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- 14 1. Revoking or suspending Registered Nurse License Number 635780 issued to
15 Margaret Ann McGonagle, aka Margaret A Beaulieu, aka Margaret A Mosher, aka Margaret A
16 Beaulieu Mosher;
17 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;
20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: APRIL 8, 2013

22 
23 LOUISE R. BAILEY, M.ED., RN
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

SD2012704528